

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STARWOOD HOTELS & RESORTS
WORLDWIDE, et al.,

Plaintiffs,

-v-

PM HOTEL ASSOCIATES, L.P. AND
PARKER PALM SPRINGS LLP,

Defendants.
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13-CV-38 (KBF)

ORDER

KATHERINE B. FORREST, District Judge:

The parties shall be prepared for oral argument on the pending motion to dismiss at the conference scheduled for Monday, April 29, 2013, at 10:00 a.m. The Court has set aside one hour for the argument and conference; the parties should plan their presentations accordingly. After hearing argument, the Court may rule on the record.

The parties shall be prepared to address all of the arguments raised in their respective briefs and, in addition, the following:

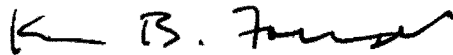
1. Why the unjust enrichment claim is or is not duplicative of the breach of contract claim, given defendants' concession that Starwood Hotels and PGI are third-party beneficiaries.
2. Whether the damages alleged in the fraud claim are identical to those alleged in the breach of contract claim. If so, whether the fraud claim is duplicative of the contract claims, given defendants' concession that

Starwood Hotels and PGI are third-party beneficiaries of the contracts at issue.

3. Irrespective of whether plaintiff gave valid notice, whether defendants' settlement payment effectively cured any breach. The parties shall address cure as it relates to standing, the amount in controversy requirement, and the substantive breach of contract and declaratory relief claims.

SO ORDERED:

Dated: New York, New York
April 23, 2013



KATHERINE B. FORREST
United States District Judge